

March 4, 2019

Mr. Henry A. Leskinen
Eco-Science Professionals, Inc.
P. O. Box 5006
Glen Arm, Maryland 21057

Re: Maslack Property at 17 Washington Street
Timonium Heights
Forest Buffer Variance
Tracking # 03-19-2929

Dear Mr. Leskinen:

A request for a variance from the Baltimore County Code Article 33, Title 3, Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law), was received by this Department of Environmental Protection and Sustainability (EPS) on February 12, 2019. If granted, the variance would reduce the width of the Forest Buffer from 100 feet to an average of 65 feet for a total area of 2,975 square feet (0.07 acre) of impact in order construct a single family dwelling on Lots 1, 2, and a portion of legally-closed Broad Avenue as shown on the Timonium Heights plat, which dates back to the 1920s. Much of the property is either open lawn or scattered trees in a park-like setting. However, the area to be omitted from the Forest Buffer Easement is currently early seral stage forest growth with an understory of invasive species and including piles of soil and rubble fill scattered across the forest floor.

The Forest Buffer is generated from a first order Use III-P tributary of Goodwin Run, which emanates from a nearby storm drain. The approximately 0.1-acre Forest Buffer that extends onto the site was established in accordance with Section 33-3-111, including expansion to account for steep slopes and erodible soils. It is noted that the resource which generates the Forest Buffer is separated from the property by the paper streets of Lincoln Street and Broad Avenue as well as by an existing 8-inch sanitary sewer line (RW-69-0248). The applicant does not propose to record the Forest Buffer in the Land Records of Baltimore County as an easement but would maintain a 15-foot wide strip of functioning buffer in the rear of the lot abutting paper Lincoln Street with the proposed dwelling at least 35 feet from this buffer strip. Furthermore, the applicant proposes to permanently fence the approximately 1,275 square feet of remaining buffer area and post it with "Forest Buffer – Do Not Disturb" signs.

This Department has reviewed your request and has determined that an unreasonable hardship would result from enforcing the full Forest Buffer Easement given that it would render the lot essentially unbuildable in terms of constructing a house commensurate with the neighborhood. Additionally, we acknowledge that the resource that generates the Forest Buffer Easement is separated from the subject property by an existing utility easement and paper streets

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beyond the owner's control. We further find that the potential for impacts to water quality as a result of this proposal would be minimal given the current condition of the area that would be Forest Buffer and the presence of the platted street between the lot and the stream that may be built in the future to serve other Timonium Heights lots. Therefore, we will grant this request in accordance with Section 33-3-106(a)(1) of the Baltimore County Code, with the following conditions:

1. The limit of disturbance (LOD) for constructing the proposed dwelling shall not extend closer than 65 feet to the nearest stream bank.
2. Both the water and sanitary house connections shall be made out the north of the dwelling to the utilities contained within Washington Street.
3. The following note must appear on all subsequent plans submitted for this project:
 - "A variance was granted on March 4, 2019, by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. Consequently, no Forest Buffer is required for this property. Conditions were placed on this variance to reduce impacts to water quality including limiting the area of disturbance."

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout will require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of permits for this project.

If you have any questions regarding this correspondence, please contact Mr. Michael S. Kulis at (410) 887-3980.

Sincerely yours,

David V. Lykens
Acting Director

DVL/msk

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I/we agree to the above conditions to bring my/our property into compliance with Law for the
Protection of Water Quality, Streams, Wetlands and Floodplains.

Owner's Signature Date

Contract Purchaser's Signature Date

Printed Name

Printed Name